

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMIE A. SMITH,

Plaintiff,

vs.

CIVIL NO.: 13-CV-15194-DT

COMMISSIONER OF
SOCIAL SECURITY,

HON. ROBERT H. CLELAND

Defendant.

_____ /

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

The case was referred to United States Magistrate Judge Charles E. Binder pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72.1. The magistrate judge issued his report on January 6, 2015 recommending that this court grant Plaintiff's Motion for Summary Judgment, deny Defendant's Motion for Summary Judgment and that pursuant to sentence four of 42 U.S.C. § 405(g), the findings of the Commissioner be reversed and the case be remanded for further proceedings. No objections have been filed pursuant to 28 U.S.C. §636(b)(1)(C); thus further appeal rights are waived.¹

Having reviewed the file and the report, the court determines that the findings and conclusions of the magistrate judge are correct and **ADOPTS** the same for purposes of this order. Therefore,

¹ The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. See *Thomas v. Arn*, 474 U.S. 140,149 (1985).

ORDER

IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, the Plaintiff's Motion for Summary Judgment is **GRANTED**, the Defendant's Motion for Summary Judgment is **DENIED**, the findings of the Commissioner is **REVERSED** and the case is **REMANDED** for further proceedings pursuant to Sentence four of 42 U.S.C. § 405(6).

S/Robert H. Cleland

ROBERT H. CLELAND

UNITED STATES DISTRICT JUDGE

Dated: February 22, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, February 22, 2015, by electronic and/or ordinary mail.

S/Lisa Wagner

Case Manager and Deputy Clerk

(313) 234-5522